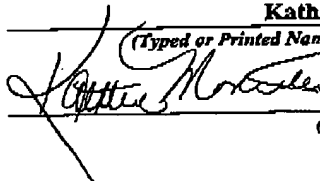

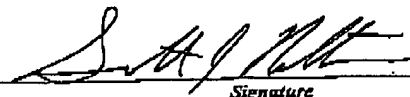


OCT 18 2005

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) Applicant(s): <u>Nicholas R. Bachur, Jr. et al.</u>			Docket No. <u>P-5026</u>
Application No. <u>09/892,061</u>	Filing Date <u>6/26/01</u>	Examiner <u>W. Beisner</u>	Group Art Unit <u>1744</u>
Invention: <u>System and Method for Optically Monitoring the Concentration of a Gas, or the Pressure in a Sample Vial to Detect Sample Growth</u>			
<p>I hereby certify that this <u>Response to Notice of Non-Compliant Amendment/Claim Listing</u> <small>(Identify type of correspondence)</small> is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>571-273-8300</u>) on <u>October 18, 2005</u> <small>(Date)</small></p>			
<p style="text-align: right;"> <u>Kathleen Monesteri</u> <small>(Typed or Printed Name of Person Signing Certificate)</small>  <small>(Signature)</small> </p>			
<p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

AMENDMENT TRANSMITTAL LETTER (Large Entity)					Docket No. P-5026	
Applicant(s): Nicholas r. Bachur, Jr. et al.						
Application No. 09/892,061	Filing Date 6/26/01	Examiner W. Beisner	Customer No. 26253	Group Art Unit 1744	Confirmation No. 1747	
Invention: System and Method for Optically Monitoring the Concentration of a Gas, or the Pressure in a Sample Vial to Detect Sample Growth						
COMMISSIONER FOR PATENTS:						
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.						
CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE	
TOTAL CLAIMS	44 -	62 =	0	x \$50.00	\$0.00	
INDEP. CLAIMS	3 -	4 =	0	x \$200.00	\$0.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00	
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 02-1666 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						
 Signature			Dated: October 18, 2005			
Scott J. Rittman, Reg. No. 39,010 Becton Dickinson and Company 1 Becton Drive Franklin Lakes, NJ 07417-1880 201-847-6356			<div style="border: 1px solid black; padding: 5px;"><p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____</p><p style="text-align: center;">(Date)</p><p style="text-align: center;">_____ Signature of Person Mailing Correspondence</p><p style="text-align: center;">_____ Typed or Printed Name of Person Mailing Correspondence</p></div>			
CC:						

AMENDMENT TRANSMITTAL LETTER (Large Entity)					Docket No. P-5026	
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Application No. 09/892,061	Filing Date 6/26/01	Examiner W. Belsner	Customer No. 26253	Group Art Unit 1744	Confirmation No. 1747	
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Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00	
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 02-1666 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038.						
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						
 Signature			Dated: October 18, 2005			
Scott J. Rittman, Reg. No. 39,010 Becton Dickinson and Company 1 Becton Drive Franklin Lakes, NJ 07417-1880 201-847-6356			<div style="border: 1px solid black; padding: 5px;"> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ (Date) </div> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> Signature of Person Mailing Correspondence </div>			

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OCT 18 2005

PATENT P-5026

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Nicholas R. Bachur, Jr. et al.

SERIAL NO.: 09/892,061

GROUP: 1744

FILING DATE: June 26, 2001

EXAMINER: W. Beisner

FOR: System and Method for Optically Monitoring the Concentration
of a Gas, or the Pressure in a Sample Vial to Detect Sample
GrowthCommissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING FAXED TO 571-273-8300 TO: COMMISSIONER
FOR PATENTS, ALEXANDRIA, VA 22313-1450 ON: Oct.
18, 2005 BY: Kathleen Monesteri

(SIGNATURE)

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Sir:

Applicants received a Notice of Non-Compliant Amendment dated October 4, 2005. The claim listing filed by Applicants on July 26, 2005 was considered to be non-compliant due to a non-complete claim listing.

Attached hereto is a replacement claim listing, which should be substituted for the listing provided on July 26, 2005.

If there are any additional fees related to this Amendment, such fees should be charged to Deposit Account No. 02-1666.

Respectfully submitted,

Scott J. Rittman
Registration No. 39,010BECTON, DICKINSON AND COMPANY
1 Becton Drive
Franklin Lakes, NJ 07417-1880
(201) 847-6356
Doc#93332v6